

**ORDER ADOPTING LOCAL RULE IMPLEMENTING  
WEIGHTED CASELOAD ALLOCATION PLAN  
FOR THE CIRCUIT AND SUPERIOR COURTS  
OF THE 4<sup>TH</sup> JUDICIAL CIRCUIT  
CLARK COUNTY, INDIANA**

Pursuant to Administrative Rule 1(E) of the Administrative Rules **IT IS ORDERED** that Rule 8 of the Local Administrative Rules of Practice for the Circuit and Superior Courts of the 4<sup>th</sup> Judicial Circuit, Clark County, Indiana is hereby amended regarding the assignment of cases, effective January 1, 2007.

**RULE 8**

**[LR10-AR00-8]**

**ALLOCATION OF CASES**

**A.     Applicability.** This rule shall apply only to those cases filed in the Circuit and Superior Courts in Clark County, Indiana. This Rule shall not apply to misdemeanor cases filed in the Jeffersonville City Court, the Charlestown City Court, the Clarksville Town Court, or the Sellersburg Town Court.

**B.     Major Felony Cases.** Except as otherwise specifically provided for, all cases which include Murder, Class A Felony, Class B Felony, or Class C Felony offenses as the most serious charged shall be assigned as follows:

[a] Cases alleging the most serious offense was committed during the months of January, March, May, July, September, or November shall be assigned to the Judge of Superior Court No. 1;

[b] All other cases shall be assigned to the Judge of the Circuit Court.

**C. Misdemeanor and Class D Felony Cases.** Except as otherwise specifically provided, all cases having a misdemeanor or Class D Felony as the most serious charge shall be assigned to the Judge of Superior Court No. 3.

**D. Traffic-Related Cases.** All cases which include a felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Superior Court No. 3.

**E. Controlled Substances Cases.** All Class A, Class B, and Class C felony cases which include a felony charge related to Controlled Substances under Indiana Code 35-48 or Legend Drugs under Indiana Code 16-42 shall be assigned to the Judge of Superior Court No. 2.

All new Class D or multiple Class D Felony cases in which the defendant therein previously appeared in Superior Court No. 2 shall be assigned to the Judge of Superior Court No. 2. All new Class D or multiple Class D Felony cases which include driving offenses shall be assigned to the Judge of Superior Court No. 3. All other new Class D or multiple Class D Felony cases shall be assigned to the Judge of the Circuit Court.

**F. Juvenile Criminal Cases.** All cases which include a misdemeanor or felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide), against a defendant alleged to be under the age of eighteen (18) years at the time of the commission of the offense, shall be assigned to the Judge of Superior Court No. 3. All other cases which include a felony or misdemeanor charge against a defendant alleged to be under the age of eighteen (18) at the time of the

commission of the offense, shall be assigned to the Judge of Superior Court No. 1, except for Controlled Substance cases which will be assigned pursuant to Section E.

All cases which include a charge of Contributing to the Delinquency under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-8.1-3 shall be assigned to the Judge of Superior Court No. 1.

**G. Attempt, Conspiracy, and Aiding Cases.** For purposes of this Rule , when a case includes a charge of Attempt under Indiana Code 35-41-5-1, Conspiracy under Indiana Code 35-41-5-1, or Aiding under Indiana Code 35-41-2-4, proper assignment of the case shall be determined by reference to the substantive offense underlying each charge.

**H. Re-filing of Dismissed Cases,** In the event a criminal case is dismissed, and thereafter, the same or similar case is filed against the same defendant(s) base upon the same transaction, the case shall be assigned to the judge who entered the Order of Dismissal on the earlier case.

**I. Juvenile Paternity Cases.** All Juvenile Paternity Cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

**J. Other Juvenile Cases.** All Juvenile CHINS cases, Juvenile Status cases, Juvenile Termination of Parental Rights cases, and Juvenile Miscellaneous cases shall be assigned to the Judge of Superior Court No. 1.

**K. Mortgage Foreclosure and Civil Collection Cases.** Mortgage Foreclosure cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

Civil Collection cases seeking to recover ten thousand dollars (\$10,000.00) or less

shall be filed in Superior Court No. 3. Civil Collection cases seeking to recover amounts in excess of ten thousand dollars (\$10,000.00) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

**L. Civil Tort and Civil Plenary Cases.** Civil Tort and Civil Plenary cases shall be assigned on an equal basis to the Judge of the Circuit Court, the Judge of Superior Court No. 1, and the Judge of Superior Court No. 2.

**M. Small Claims Cases.** All Small Claims cases shall be assigned to the Judge of Superior Court No. 3.

**N. Mental Health Cases.** All Mental Health cases shall be assigned to the Judge of the Circuit Court.

**O. Domestic Relations Cases.** Domestic Relations cases shall be assigned on an equal basis to the Judge of the Circuit Court, the Judge of Superior Court No.1, and the Judge of Superior Court No. 2.

**P. Reciprocal Support Cases.** All Reciprocal Support cases shall be assigned to the Judge of the Circuit Court.

**Q. Protective Order Cases.** All Protective Order cases shall be assigned to the Judge of Superior Court No. 2 unless the Protective Order request is associated with a Dissolution of Marriage case filed in another court. In such instance, the Protective Order request shall be assigned to that court.

**R. Guardianship and Estate Cases.** All Guardianship cases and all Estate cases (supervised and unsupervised) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

**S. Trust Cases.** All Trust cases shall be assigned to the Judge of the Circuit

Court.

**T.     Reassignment of Cases.** If a case reassignment becomes necessary for any reason, including the granting of an application for change of judge, the Judge of the Circuit Court shall be reassigned all such cases from the Judge of Superior Court No. 1 and the Judge of Superior Court No. 3, and the Judge of Superior Court No. 1 shall be reassigned all cases from the Judge of the Circuit Court and the Judge of Superior Court No. 2.

**U.     Objections to Case Assignments.** Any objection by a Judge based upon an improper assignment of a case under this Rule shall be made no later than ten (10) days from the date of the entry of the assignment on the Chronological Case Summary. Failure to raise a timely objection shall constitute a waiver.

**V.     Error in Case Assignments.** Any error in the assignment of a criminal case shall not constitute grounds for an appeal or post-conviction relief unless actual bias or prejudice of the judge hearing the case is demonstrated

**SO ORDERED THIS 10<sup>th</sup> DAY OF AUGUST, 2006.**

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Daniel F. Donahue, Judge  
Clark Circuit Court

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Jerome F. Jacobi, Judge  
Clark Superior Court No. 1

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Cecile A. Blau, Judge  
Clark Superior Court No. 2

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Steven M. Fleece, Judge  
Clark Superior Court No. 3